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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/739,708	12/20/2000	Paul M. Brennan	91436-312	3270
33000	7590	12/03/2003	EXAMINER	
DOCKET CLERK P.O. DRAWER 800889 DALLAS, TX 75380			KNOWLIN, THJUAN P	
			ART UNIT	PAPER NUMBER
			2642	14

DATE MAILED: 12/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

TS

Advisory Action

Application No.

09/739,708

Applicant(s)

BRENNAN ET AL.

Examiner

Thjuan P Knowlin

Art Unit

2642

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 24 November 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Attachment (Response to Arguments).
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: None.Claim(s) objected to: None.Claim(s) rejected: 1-31.Claim(s) withdrawn from consideration: None.


8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Examiner: Thjuan P. Knowlin
Phone: (703) 308-1727

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Response to Arguments

Applicants' arguments filed 11/24/03 have been fully considered but they are not persuasive. Applicants state that Han fails to disclose, suggest, or teach the receiving of the message or reciting the message was "composed" by a calling party. Examiner agrees with this argument, however, Alajajian was used in the 103(a) rejection, along with Han, to overcome this limitation. Alajajian discloses, suggests, and teaches the receiving of the message or reciting the message was "composed" by a calling party (col. 22 lines 37-44 and col. 24-25 lines 66-23). Applicants state that nothing in Alajajian describes that the message is composed by the calling party after dropping a synchronous call attempt to the called party. Alajajian was used to overcome the limitation of the message being composed by a calling party. Han discloses the feature of dropping a synchronous call attempt to the called party (col. 2 lines 3-14, col. 7 lines 6-14, col. 7 lines 24-42, and col. 9 lines 18-25). Applicants further state that the previous Office Action applied an incorrect obviousness standard. Examiner respectfully disagrees with this argument. Han discloses receiving a message that is transmitted from the mobile station of the (calling party) user (col. 7 lines 15-30), and Alajajian discloses the message being composed by the calling party (col. 22 lines 37-44 and col. 24-25 lines 66-23). Therefore, the two references are capable of being combined and used to form a proper 35 U.S.C. 103(a) rejection.


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